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Economic and Social Council

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Item 17 (*c*) of the provisional agenda*

Resolution adopted by the Economic and Social Council on 16 July 2014

[on the recommendation of the Commission on Crime Prevention and Criminal Justice (E/2014/30)]

2014/19. Rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law,

Reaffirming also its commitment to the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels,[1]

Strongly determined to reinvigorate political will and to raise the level of the international community's commitment to moving the sustainable development agenda forward, through the achievement of the internationally agreed development goals, including the Millennium Development Goals,

Reaffirming the necessity of respecting and protecting human rights and fundamental freedoms in the prevention of crime and the administration of and access to justice, including criminal justice,

Taking note of the report of the Secretary-General entitled "A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015",[2] and noting the recommendations of the Secretary-General's High-level Panel of Eminent Persons on the Post-2015 Development Agenda,[3]

Noting the activity of the Open Working Group on Sustainable Development Goals,

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* E/2014/1/Rev.1, annex II.

[1] General Assembly resolution 67/1.

[2] A/68/202 and Corr.1.

[3] See A/67/890, annex.

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Noting also the thematic and national consultations on the post-2015 United Nations development agenda organized by the United Nations Development Group in many countries,

Reiterating that the rule of law and development are interrelated and mutually reinforcing and that the advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law,

Reiterating also that transnational crime must be addressed with full respect for the principles of the sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States, and in accordance with the rule of law, as part of a comprehensive response to promote durable solutions through the promotion of human rights and more equitable socioeconomic conditions, and in that regard stressing again the importance of encouraging Member States to develop, as appropriate, comprehensive crime prevention policies based on an understanding of the multiple factors that contribute to crime and to address such factors in a holistic manner, while emphasizing that crime prevention should be an integral element of strategies to foster social and economic development in all States,

Stressing the importance of a well-functioning, efficient, fair, effective and humane criminal justice system as the basis for a successful strategy against transnational organized crime, corruption, terrorism, drug trafficking and other forms of trafficking,

Recalling its resolution 67/186 of 20 December 2012, entitled "Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking", and its resolution 68/188 of 18 December 2013, entitled "The rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015",

Acknowledging the centrality of crime prevention and the criminal justice system to the rule of law, and also acknowledging that long-term sustainable economic and social development and the establishment of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other, as stated in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, of 2010,[4]

Reaffirming the importance of promoting the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[5] the United Nations Convention against Corruption[6] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[7]

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[4] General Assembly resolution 65/230, annex.

[5] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[6] Ibid., vol. 2349, No. 42146.

[7] Ibid., vol. 1582, No. 27627.

Reaffirming also the importance of relevant international anti-terrorism instruments, as appropriate, and drawing on the existing United Nations standards and norms in crime prevention and criminal justice,

Recalling its resolution 63/23 of 17 November 2008, entitled "Promoting development through the reduction and prevention of armed violence",

Concerned about the serious threat that violence related to transnational organized crime poses to development and the rule of law, security and well-being of communities, hindering the achievement of the Millennium Development Goals by reducing national income and productivity, diverting investment and rolling back hard-won development gains, and recognizing that comprehensive crime prevention strategies can contribute to addressing those challenges effectively,

Recognizing the importance of ensuring that women and girls, on the basis of gender equality, fully enjoy the benefits of the rule of law, and committed to using law to uphold equal rights and ensure their full and equal participation,

Welcoming the conference entitled "Bangkok Dialogue on the Rule of Law", hosted by the Government of Thailand in Bangkok on 15 November 2013, which discussed the rule of law, crime prevention and criminal justice as a substantive contribution to the discussion on the post-2015 development agenda,

Noting the publication of the study paper entitled "Accounting for security and justice in the post-2015 development agenda" by the United Nations Office on Drugs and Crime in 2013,

Noting also the publication of the "Global Study on Homicide 2013: Trends, Contexts, Data" by the United Nations Office on Drugs and Crime,

Taking into consideration that the main theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha in 2015, will be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation",

Convinced that respect for and promotion of the rule of law, both nationally and internationally, are essential elements in addressing and preventing transnational organized crime and corruption, and noting that the rule of law requires strong and efficient justice sector coordination, as well as effective inter-agency cooperation and coordination with other relevant United Nations offices and activities,

1. *Recognizes* the cross-cutting nature of the rule of law, crime prevention and criminal justice and development, and recommends that such linkages and interrelationships be properly addressed and further elaborated;

2. *Underscores* that the discussions on the post-2015 development agenda should take into account respect for and promotion of the rule of law and that crime prevention and criminal justice have an important role in that regard, giving due consideration to the work of the Commission on Crime Prevention and Criminal Justice in order to channel, as appropriate, its contribution to the discussions on the post-2015 development agenda, in close consultation with all relevant stakeholders;

3. *Encourages* Member States, in their deliberations on the post-2015 development agenda, to give due consideration to the rule of law, crime

prevention and criminal justice, while promoting universal respect for human rights and strengthening relevant national institutions;

4. *Requests* the United Nations Office on Drugs and Crime, as a member of the United Nations System Task Team on the Post-2015 United Nations Development Agenda, to continue to contribute analytical inputs and expertise to the work of the Task Team and to report to the Commission at its twenty-fourth session on the results of this work;

5. *Stresses* the importance of a comprehensive approach to transitional justice, incorporating the wide range of judicial and non-judicial measures to ensure accountability and promote reconciliation while protecting the rights of victims of crime and of abuse of power, drawing on the work of the United Nations Office on Drugs and Crime, in accordance with its mandates, to support criminal justice reforms and strengthen the rule of law at the national and international levels;

6. *Also stresses* the need for government institutions, the judicial system and the legislative system to be gender-sensitive and for the continued promotion of the full participation of women in such institutions;

7. *Further stresses* the importance of promoting the design and implementation of national and regional strategies and policies, as appropriate, on the rule of law, crime prevention and criminal justice as an effective and coordinated response to transnational organized crime, particularly in connection with new and emerging forms of transnational organized crime;

8. *Requests* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in developing comprehensive crime prevention strategies, to address violence related to transnational organized crime, including urban crime, and to continue to support the exchange of expertise and good practices, with the support of civil society, as appropriate;

9. *Welcomes* the efforts of the United Nations Office on Drugs and Crime to assist Member States in improving systems for collecting and analysing data on crime prevention and criminal justice at all levels, where necessary, including gender-specific data, in order to contribute, where appropriate, to the post-2015 development agenda;

10. *Invites* the institutes of the United Nations crime prevention and criminal justice programme network to continue to include in their work programmes the issues of the rule of law, crime prevention and criminal justice, as well as to consider exploring the challenges posed by violence related to transnational organized crime, and encourages them to develop appropriate training material;

11. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations;

12. *Requests* the Secretary-General to submit, through the Commission, to the General Assembly at its sixty-ninth session a report on the implementation of the present resolution.

45th plenary meeting
16 July 2014

United Nations E/RES/2014/20

Economic and Social Council

Distr.: General
4 September 2014

2014 session
Item 17 (*c*) of the provisional agenda*

Resolution adopted by the Economic and Social Council on 16 July 2014

[*on the recommendation of the Commission on Crime Prevention and Criminal Justice (E/2014/30)*]

2014/20. International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Recalling its resolutions 66/180 of 19 December 2011 and 68/186 of 18 December 2013, entitled "Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking",

Recalling also the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in its resolution 55/25 of 15 November 2000, [1] as well as the United Nations Convention against Corruption, adopted by the Assembly in its resolution 58/4 of 31 October 2003,[2]

Recalling further the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,[3] the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,[4] and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,[5] and the two Protocols

* E/2014/1/Rev.1, annex II.

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[2] Ibid., vol. 2349, No. 42146.

[3] Ibid., vol. 823, No. 11806.

[4] Ibid., vol. 2421, No. 43718.

[5] Ibid., vol. 249, No. 3511.

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thereto, adopted on 14 May 1954[5] and 26 March 1999,[6] and other relevant conventions, and reaffirming the necessity for those States which have not done so to consider ratifying or acceding to and, as States parties, implementing those international instruments,

Alarmed at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, and observing that illicitly trafficked cultural property is increasingly being sold through all kinds of markets, inter alia in auctions, in particular over the Internet, and that such property is being unlawfully excavated and illicitly exported or imported with the facilitation of modern and sophisticated technologies,

Recognizing the indispensable role of crime prevention and criminal justice responses in combating all forms and aspects of trafficking in cultural property and related offences in a comprehensive and effective manner,

Recalling the report of the Secretary-General on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking,[7]

Welcoming the initiatives promoted within the United Nations crime prevention and criminal justice programme network and the cooperative network established among the United Nations Office on Drugs and Crime, the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL), the International Institute for the Unification of Private Law, the World Customs Organization and the International Council of Museums in the area of protection against trafficking in cultural property, and encouraging those entities to continue to play an active role in that area,

Recalling that the theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha from 12 to 19 April 2015, will be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation", and considering that one of the workshops to be held within the framework of the Congress will focus on strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation,

Reiterating the significance of cultural property as part of the common heritage of humankind and as unique and important testimony of the culture and identity of peoples and the necessity of protecting cultural property, and reaffirming in that regard the need to strengthen international cooperation in preventing, prosecuting and punishing all aspects of trafficking in cultural property,

Recognizing that, in its resolution 66/180, it requested the United Nations Office on Drugs and Crime, within its mandate, in consultation with Member States and in close cooperation, as appropriate, with the United Nations

[6] Ibid., vol. 2253, No. 3511.

[7] E/CN.15/2013/14.

Educational, Scientific and Cultural Organization, INTERPOL and other competent international organizations, to further explore the development of specific guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property,

Recognizing also that, in its resolution 68/186, it welcomed the progress made in exploring the development of non-binding guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property, stressed the need for their expeditious finalization, bearing in mind the importance of the matter for all Member States, and requested the United Nations Office on Drugs and Crime to reconvene the expert group on protection against trafficking in cultural property for Member States to review and revise the draft guidelines, with a view to finalizing and submitting the draft guidelines to the Commission on Crime Prevention and Criminal Justice at its twenty-third session,

Recognizing further that the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, contained in the annex to the present resolution, can be considered by Member States in the development and strengthening of their policies, strategies, legislation and cooperation mechanisms to prevent and combat trafficking in cultural property and related offences in all situations,

1. *Welcomes* the work of the meeting of the expert group on protection against trafficking in cultural property held in Vienna from 15 to 17 January 2014 to finalize the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences;

2. *Adopts* the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, contained in the annex to the present resolution, and underlines that the Guidelines represent a useful framework to guide Member States in the development and strengthening of their criminal justice policies, strategies, legislation and cooperation mechanisms in the area of protection against trafficking in cultural property and other related offences;

3. *Strongly encourages* Member States to apply the Guidelines to the maximum extent possible, where appropriate, in view of strengthening international cooperation in this field;

4. *Encourages* Member States to undertake efforts to overcome practical difficulties in the implementation of the Guidelines in their constant endeavour to combat trafficking in cultural property, in all situations and on the basis of common and shared responsibility;

5. *Strongly encourages* Member States to evaluate and review their legislation and legal principles, procedures, policies, programmes and practices related to crime prevention and criminal justice matters, in a manner consistent with their legal systems and drawing upon the Guidelines, in order to ensure their adequacy for preventing and combating trafficking in cultural property and related offences;

6. *Invites* Member States and other relevant stakeholders attending the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to discuss good practices and challenges in promoting international

cooperation to combat trafficking in cultural property under workshop 3 (Strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation);

7. *Requests* the United Nations Office on Drugs and Crime to continue to provide advisory services and technical assistance to Member States, upon request, in the area of crime prevention and criminal justice responses with respect to trafficking in cultural property and other related offences, in cooperation with relevant international organizations and making use of the work of the institutes of the United Nations crime prevention and criminal justice programme network, as appropriate;

8. *Also requests* the United Nations Office on Drugs and Crime to make the Guidelines widely available, including through the development of relevant tools, such as handbooks and training manuals;

9. *Further requests* the United Nations Office on Drugs and Crime, where appropriate, in consultation with Member States, to develop a practical assistance tool to assist in the implementation of the Guidelines, taking into consideration the technical background document developed for the elaboration of the Guidelines and the comments made by Member States;

10. *Invites* Member States to use all relevant tools developed by the United Nations Office on Drugs and Crime and the United Nations Educational, Scientific and Cultural Organization, including the Sharing Electronic Resources and Laws against Organized Crime knowledge management portal and the United Nations Educational, Scientific and Cultural Organization Database of National Cultural Heritage Laws, and also invites Member States to provide to the Secretariat legislation and case law related to trafficking in cultural property, for inclusion in the portal;

11. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations;

12. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-fifth session on the implementation of the present resolution.

Annex

International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences

Introduction

1. The International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences have been developed in recognition of the criminal character of such offences and their devastating consequences for the cultural heritage of humankind. Pursuant to General Assembly resolutions 66/180 and 68/186 and Economic and Social Council resolution 2010/19, draft guidelines were developed by the United Nations Office on Drugs and Crime in consultation with Member States and in close cooperation, as appropriate, with the United

Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL) and other competent international organizations.

2. The first draft of the guidelines was reviewed at an informal expert group meeting, held from 21 to 23 November 2011, composed of 20 experts from around the world with expertise in various fields related to the subject matter of the guidelines, including representatives of INTERPOL, the United Nations Educational, Scientific and Cultural Organization and the International Institute for the Unification of Private Law. Based on the valuable comments and advice on improving the draft a second draft was presented to and discussed by the open-ended intergovernmental expert group on protection against trafficking in cultural property at its second meeting, held from 27 to 29 June 2012. Taking into account a compendium, prepared by the Secretariat, of comments made by Member States on the draft guidelines, the expert group reviewed and revised the guidelines at its third meeting, held from 15 to 17 January 2014, with a view to their finalization.

3. The Guidelines are based on crime prevention and criminal justice aspects of protection against trafficking in cultural property, taking into consideration a review of current practices and initiatives in several countries in addressing the problem of trafficking in cultural property, as well as principles and norms arising from the analysis of the following international legal instruments: the United Nations Convention against Transnational Organized Crime;[8] the United Nations Convention against Corruption;[9] the Convention for the Protection of Cultural Property in the Event of Armed Conflict[10] and its First[10] and Second Protocols;[11] the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts;[12] the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;[13] the Convention on Stolen or Illegally Exported Cultural Objects adopted by the International Institute for the Unification of Private Law;[14] and the Convention on the Protection of the Underwater Cultural Heritage.[15]

4. The present set of non-binding guidelines is available to Member States for their consideration in the development and strengthening of crime prevention and criminal justice policies, strategies, legislation and cooperation mechanisms to prevent and combat trafficking in cultural property and related offences in all situations. Their development follows the expression, by the General Assembly and the Economic and Social Council in their resolutions, of alarm at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, and of the need to promote international cooperation to combat crime in a concerted manner.

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[8] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[9] Ibid., vol. 2349, No. 42146.

[10] Ibid., vol. 249, No. 3511.

[11] Ibid., vol. 2253, No. 3511.

[12] Ibid., vol. 1125, No. 17512.

[13] Ibid., vol. 823, No. 11806.

[14] Ibid., vol. 2421, No. 43718.

[15] Ibid., vol. 2562, No. 45694.

5. The Guidelines have the purpose of serving as a reference for national policymakers and as a tool for capacity-building in the area of crime prevention and criminal justice responses to trafficking in cultural property and related offences, in coordination with the United Nations Educational, Scientific and Cultural Organization and other competent international organizations, as appropriate. On the basis of the guidelines finalized by the intergovernmental expert group and submitted to the Commission on Crime Prevention and Criminal Justice, and taking into consideration the technical background document containing the version of the guidelines dated April 2012, and the comments made by Member States, the Commission may ask the Secretariat to develop a practical assistance tool, as appropriate, to aid in the implementation of the Guidelines.

6. The Guidelines contain four chapters:

(*a*) Chapter I contains guidelines on crime prevention strategies (including information and data collection, the role of cultural institutions and the private sector, the monitoring of the cultural property market, imports and exports, and archaeological sites, as well as education and public awareness);

(*b*) Chapter II contains guidelines on criminal justice policies (including adherence to and implementation of relevant international treaties, the criminalization of specific harmful conduct or the establishment of administrative offences, corporate liability, seizure and confiscation and investigative measures);

(*c*) Chapter III contains guidelines on international cooperation (including matters related to jurisdictional basis, extradition, seizure and confiscation, and cooperation among law enforcement and investigating authorities, as well as the return, restitution or repatriation of cultural property);

(*d*) Chapter IV contains a guideline on the scope of application of the Guidelines.

I. Prevention strategies

A. Information and data collection

Guideline 1. States should consider establishing and developing inventories or databases, as appropriate, of cultural property for the purpose of protection against its trafficking. The absence of registration of cultural property in such inventories shall by no means exclude it from protection against trafficking and related offences.

Guideline 2. States should consider, where possible under their national legislation, the relevant cultural property as registered in the official inventory of a State that has enacted laws on national or State ownership, provided that the owner State has issued a public formal statement to that effect.

Guideline 3. States should consider:

(*a*) Introducing or improving statistics on import and export of cultural property;

(*b*) Introducing or improving statistics, where practical, on administrative and criminal offences against cultural property;

(*c*) Establishing or improving national databases, as appropriate, on trafficking in cultural property and related offences and on trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded or missing cultural property;

(*d*) Introducing mechanisms to enable the reporting of suspicious dealings or sales on the Internet;

(*e*) Contributing to international data collection on trafficking in cultural property and related offences through the United Nations Survey on Crime Trends and Operations of Criminal Justice Systems, conducted by the United Nations Office on Drugs and Crime, and the INTERPOL database on stolen works of art and through other relevant organizations;

(*f*) Contributing to the United Nations Educational, Scientific and Cultural Organization database of national laws and regulations pertaining to cultural property.

Guideline 4. States should consider, as appropriate, establishing a central national authority or empowering an existing authority and/or enacting other mechanisms for coordinating the activities related to the protection of cultural property against trafficking and related offences.

B. The role of cultural institutions and the private sector

Guideline 5. States should consider encouraging cultural institutions and the private sector to adopt codes of conduct and to disseminate best practices on policies on the acquisition of cultural property.

Guideline 6. States should encourage cultural institutions and the private sector to report suspected trafficking in cultural property cases to law enforcement authorities.

Guideline 7. States should consider promoting and supporting training on cultural property regulations for cultural institutions and the private sector, in cooperation with relevant international organizations, including rules on the acquisition of cultural property.

Guideline 8. States should encourage, as appropriate, Internet providers and web-based auctioneers and vendors to cooperate in preventing trafficking in cultural property, including through the adoption of specific codes of conduct.

C. Monitoring

Guideline 9. States should consider, in accordance with the relevant international instruments, introducing and implementing appropriate import and export control procedures, such as certificates for the export and import of cultural property.

Guideline 10. States should consider creating and implementing monitoring measures for the market of cultural property, including for the Internet.

Guideline 11. States should, where possible, create and implement programmes for research, mapping and surveillance of archaeological sites for the purpose of protecting them against pillage, clandestine excavation and trafficking.

D. Education and public awareness

Guideline 12. States should consider supporting and promoting public awareness campaigns, including through the media, to foster among the general public a culture of concern about trafficking in cultural property, for the purpose of protecting that cultural property against pillage and trafficking.

II. Criminal justice policies

A. International legal texts

Guideline 13. States should consider adopting legislation criminalizing trafficking in cultural property and related offences in accordance with applicable existing international instruments, in particular the Organized Crime Convention, relating to trafficking in cultural property and related offences.

Guideline 14. In bilateral cooperation, States may consider making use of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property.[16]

B. Criminal and administrative offences

Guideline 15. States should consider defining the concept of "cultural property", including movable and immovable cultural property, when necessary, for the purposes of criminal law.

Guideline 16. States should consider criminalizing, as serious offences, acts such as:

(*a*) Trafficking in cultural property;

(*b*) Illicit export and illicit import of cultural property;

(*c*) Theft of cultural property (or consider elevating the offence of ordinary theft to a serious offence when it involves cultural property);

(*d*) Looting of archaeological and cultural sites and/or illicit excavation;

(*e*) Conspiracy or participation in an organized criminal group for trafficking in cultural property and related offences;

(*f*) Laundering, as referred to in article 6 of the Organized Crime Convention, of trafficked cultural property.

Guideline 17. States should consider introducing in their criminal legislation other offences, such as damaging or vandalizing cultural property or acquiring, with conscious avoidance of the legal status, trafficked cultural property, when such offences are related to trafficking in cultural property.

Guideline 18. States should consider introducing obligations, as appropriate, to report suspected cases of trafficking of and related offences against cultural property and to report the discovery of archaeological sites, archaeological finds or other objects of relevant cultural interest, and, for those States that have done so, to criminalize the failure to meet those obligations.

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[16] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.1, annex.

Guideline 19. States should consider making it possible, in a way not contradictory to their fundamental legal principles, to infer a perpetrator's knowledge that an object has been reported as trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded, on the basis of objective factual circumstances, including when the cultural property is registered as such in a publicly accessible database.

C. Criminal and administrative sanctions

Guideline 20. States should consider providing proportionate, effective and dissuasive sanctions for the above-mentioned criminal offences.

Guideline 21. States may consider adopting custodial sanctions for some selected criminal offences so as to meet the standard, required under article 2 (*b*) of the Organized Crime Convention, for "serious crime".

Guideline 22. States should consider the adoption of bans and disqualifications, and the revocation of licences, as complementary criminal or administrative sanctions whenever possible.

D. Corporate liability

Guideline 23. States should consider introducing or extending liability (criminal, administrative or civil in nature) of corporations or legal persons for the above-mentioned offences.

Guideline 24. States should consider introducing proportionate, effective and dissuasive sanctions for corporate offences of trafficking in cultural property and related offences, including fines, bans or disqualifications, revocation of licences and revocation of benefits, including tax exemptions or government subsidies, where possible.

E. Seizure and confiscation

Guideline 25. States should consider introducing criminal investigation and the search, seizure and confiscation of trafficked cultural property, as well as the proceeds of crimes related to such trafficking, and ensure its return, restitution or repatriation.

Guideline 26. States should consider, in a way not contradictory to their fundamental legal principles, the possibility of requiring that the alleged offender, the owner or the holder (if different) demonstrate the lawful origin of cultural property liable to seizure or confiscation for trafficking or related offences.

Guideline 27. States should consider introducing confiscation of the proceeds of the offence or of property of a value equivalent to such proceeds.

Guideline 28. States may consider using confiscated economic assets for financing expenses for recovery and other prevention measures.

F. Investigations

Guideline 29. States should consider creating specialized law enforcement bodies or units, as well as providing specialized training for customs officials, law enforcement personnel and public prosecutors, with regard to trafficking in cultural property and related offences.

Guideline 30. States should consider enhancing coordination, at both the national and international levels, among law enforcement bodies in order to increase the probability of discovering and successfully investigating trafficking in cultural property and related offences.

Guideline 31. States may consider, in the investigation of the above-mentioned offences, especially if related to organized crime, allowing for the appropriate use by their competent authorities of controlled delivery and other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within their territory, and allowing for the admissibility in court of evidence derived therefrom.

III. Cooperation

A. Jurisdiction

Guideline 32. States should consider establishing their jurisdiction over the above-mentioned criminal offences when such offences are committed within their territory or when committed outside their territory by one of their nationals, in a manner consistent with the principles of sovereign equality, the territorial integrity of States and non-intervention in the domestic affairs of other States, as enshrined in the Charter of the United Nations and the Organized Crime Convention.

B. Judicial cooperation in criminal matters

Guideline 33. States that have not yet done so should consider becoming parties to existing international law instruments, in particular the Organized Crime Convention, and use them as a basis for international cooperation in criminal matters in respect of trafficking in cultural property and related offences.

Guideline 34. States should consider providing each other with the widest possible mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the above-mentioned offences, also in order to enhance the effectiveness and speed of the procedures.

Guideline 35. States should contribute to and regularly update the United Nations Educational, Scientific and Cultural Organization Database of National Cultural Heritage Laws and any other relevant database.

C. Extradition

Guideline 36. States should consider making the crimes against cultural property enumerated in guideline 16 extraditable offences. In the context of extradition procedures, States should also consider adopting and applying, where possible, provisional measures to preserve the cultural property related to the alleged offence for the purpose of restitution.

Guideline 37. States should consider enhancing the effectiveness and speed of extradition for trafficking in cultural property and related offences, where such offences are considered extraditable.

Guideline 38. States should consider, in the case of refusal of extradition only on the basis of nationality, submitting the case, when requested by the State that had sought extradition, to the competent authority in order to consider prosecution.

D. International cooperation for purposes of seizure and confiscation

Guideline 39. States should consider cooperating in identifying, tracing, seizing and confiscating trafficked, illicitly exported or imported, stolen, looted, illicitly excavated, illicitly traded or missing cultural property.

Guideline 40. States may consider putting in place mechanisms to enable the contribution of confiscated financial assets to international or intergovernmental bodies concerned with the fight against transnational organized crime, including trafficking in cultural property and related offences.

E. International cooperation among law enforcement and investigating authorities

Guideline 41. States should consider enhancing the exchange of information on trafficking in cultural property and related offences by sharing or interconnecting inventories of cultural property and databases on trafficked, illicitly exported or imported, stolen, looted, illicitly excavated, illicitly traded or missing cultural property, and/or contributing to international ones.

Guideline 42. States should consider, where appropriate, in the framework of international judicial cooperation, enhancing the exchange of information on previous convictions and ongoing investigations relating to trafficking in cultural property and related offences.

Guideline 43. States should consider concluding bilateral or multilateral agreements or arrangements in order to establish joint investigative teams for trafficking in cultural property and related offences.

Guideline 44. States should consider assisting each other in planning and implementing specialized training programmes for law enforcement personnel.

Guideline 45. States should consider enhancing or establishing privileged channels of communication between their law enforcement agencies.

F. Return, restitution or repatriation

Guideline 46. States should consider, in order to enhance international cooperation in criminal matters, undertaking appropriate measures to recover trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded cultural property for the purpose of their return, restitution or repatriation.

Guideline 47. States should consider pondering, procedurally, as appropriate, the owner State's provisions on national or State ownership in order to facilitate the return, restitution or repatriation of public cultural property.

IV. Scope of application

Guideline 48. States should consider applying the Guidelines in any situations, including exceptional circumstances, that foster trafficking in cultural property and related offences, in the framework of the above-mentioned conventions and other relevant international instruments.

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[*on the recommendation of the Commission on Crime Prevention and Criminal Justice (E/2014/30)*]

2014/21. Strengthening social policies as a tool for crime prevention

The Economic and Social Council,

Considering the importance of adopting effective policies, programmes and actions to prevent and confront crime, violence and insecurity, including measures for the protection of individuals and groups in vulnerable situations,

Recognizing the importance of integrating crime prevention considerations into all relevant social and economic policies and programmes, placing particular emphasis on communities, families, children and youth,

Recognizing also that States should encourage partnerships between all appropriate levels of government and relevant stakeholders within civil society, aimed at ensuring the strengthening and sustainability of effective crime prevention strategies, programmes and initiatives, as appropriate, and at promoting a culture of peace and non-violence,

Emphasizing that public security policies should encourage measures for addressing the multiple causes of crime, violence and insecurity,

Recognizing that the development and adoption of crime prevention policies and programmes and their monitoring and evaluation are the responsibility of States, and reaffirming that such efforts should be based on a participatory, collaborative and integrated approach that involves all relevant stakeholders, including those from civil society,[1]

Recognizing also the importance of strengthening public-private partnerships in preventing crime in all its forms and manifestations, through joint and coordinated programmes,

* E/2014/1/Rev.1, annex II.

[1] Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World (General Assembly resolution 65/230, annex), para. 33.

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Mindful of the prevention provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[2] and the United Nations Convention against Corruption,[3] as well as relevant standards and norms on crime prevention and criminal justice, in particular the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),[4] the guidelines for cooperation and technical assistance in the field of urban crime prevention,[5] the Guidelines for the Prevention of Crime[6] and the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,[7]

Welcoming the work of the United Nations Office on Drugs and Crime in the area of crime prevention, including the development of technical tools and the provision of technical assistance to requesting Member States, in particular in the field of statistics and data collection and analysis in support of violence and crime prevention policies,

Underlining the need for all States to implement in a comprehensive, integrated and participatory manner crime prevention strategies, policies and programmes that address the multiple risk factors of both crime and victimization, based on the best available evidence and good practices, as an integral element of strategies to foster comprehensive social and economic development,

1. *Encourages* Member States to develop and implement, as appropriate, comprehensive policies and programmes that, by fostering social development, are aimed at the prevention of crime and violence and that address the multiple factors that contribute to crime and victimization, in close cooperation with relevant stakeholders, including civil society, and based on available evidence and good practices;

2. *Invites* Member States to consider, when developing crime prevention programmes, such issues as social inclusion, the strengthening of the social fabric, access to justice, social reintegration of offenders and access to health and education services, to consider the needs of victims of crime when developing those programmes, and to promote a culture of lawfulness and the well-being of individuals, with a particular emphasis on children and youth;

3. *Encourages* Member States to review and update, where appropriate, existing crime prevention strategies and to ensure that their effectiveness is measurable, in order to respond to the needs of the population and society as a whole;

4. *Urges* Member States to create and implement crime prevention policies and programmes designed to promote, inter alia, the participation of youth in achieving safer and more just, democratic and cohesive societies;

5. *Invites* Member States to exchange successful experiences and best practices in crime prevention with other Member States, thus promoting regional cooperation and coordination in crime prevention, with a view to addressing shared challenges through a comprehensive approach, in order to achieve significant long-term progress in this field;

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[2] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[3] Ibid., vol. 2349, No. 42146.

[4] General Assembly resolution 45/112, annex.

[5] Economic and Social Council resolution 1995/9, annex.

[6] Economic and Social Council resolution 2002/13, annex.

[7] General Assembly resolution 65/228, annex.

6. *Encourages* Member States to coordinate crime prevention measures by assigning them to appropriate government bodies or, as necessary, creating a dedicated body that addresses and studies ways of strengthening social policies for crime prevention;

7. *Commends* the United Nations Office on Drugs and Crime for its development of tools and facilitation of technical assistance programmes, urges the Office to continue to strengthen such programmes, and calls upon the Organization, upon request by Member States, to support the sharing of successful experiences and best practices between Member States;

8. *Recommends* that, in order to deepen cooperation and coordination among Member States, the issue of social policies for the prevention of violence and crime should be included as a matter of particular importance within the work of the Commission on Crime Prevention and Criminal Justice;

9. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.

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2014/22. Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and the post-2015 development agenda

The Economic and Social Council,

Recalling General Assembly resolution 61/16 of 20 November 2006, in which the Assembly reaffirmed the role that the Charter of the United Nations and the General Assembly had vested in the Economic and Social Council, and recognized the need for a more effective Council as a principal body for coordination, policy review, policy dialogue and recommendations on issues of economic and social development, as well as for implementation of the international development goals agreed at the major United Nations conferences and summits, including the Millennium Development Goals,

Recalling also that, through its resolution 68/1 of 20 September 2013, the General Assembly decided that the Economic and Social Council should base its annual programme of work on a main theme that would, inter alia, be decided by the Council based on inputs from its subsidiary bodies, as well as Member States, and that an integration segment should be held annually, the main functions of which would be to consolidate all the inputs of Member States, the subsidiary bodies of the Council, the United Nations system and other relevant stakeholders and to promote the balanced integration of the three dimensions of sustainable development, namely social, environmental and economic,

Recognizing the preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, as set out in General Assembly resolution 67/184 of 20 December 2012, including the decision that the main theme of the Congress would be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation",

1. *Invites* Member States, international organizations and all relevant stakeholders to provide to the United Nations Office on Drugs and Crime their views regarding the contribution that the Thirteenth United Nations Congress on

* E/2014/1/Rev.1, annex II.

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Crime Prevention and Criminal Justice, considering its main theme, could make to the discussions on the post-2015 development agenda, while respecting the process established by the General Assembly, and requests the Office to report to the Congress on that matter;

2. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations.

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